

REMARKS

An IDS and this Reply are being submitted with a Request for Continued Examination (RCE). Before filing the RCE, claims 123-160 were allowed and allowable subject matter was acknowledged in claims 162 and 163. Reexamination and reconsideration of claims 123-167, and consideration of new claims 169-171, are respectfully requested.

In the last Office Action, claims 161 and 165-167 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 4,896,997 ('997) in view of U.S. Pat. No. 4,437,789 ('789). The '997 patent requires trenching a relatively wide path into the earth in order to bury a cable and sheath assembly deep within the ground using a tractor and plow. See Fig. 1 and the Abstract of the '997 patent. Likewise, the '789 patent requires a plow that buries a cable within the earth. See Fig. 1 and the Abstract of the '789 patent. For a patent to be applicable under sec. 103(a), the teaching must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

It is respectfully submitted that the applied art, taken alone or in combination with the other art of record, does not implicitly or expressly teach, disclose, or suggest all of the features of claim 161. Moreover, the amendment of claim 161 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. Rather, claim 161 is being amended to claim the proper scope of Applicant's invention as explained below.

The skilled artisan would have understood that both the '997 patent and the '789 patent require relatively wide and deep trenches formed by a plow in the earth. In other words, the trenching of the '997 and '789 patents would destroy a solid surface. Furthermore, it would be extremely difficult to pull a

plow through a solid surface. Additionally, the skilled artisan would have understood the scope of the invention and the meaning of a solid surface by reading the Present Application.

Specifically, at page 23 the Present Application recites the following:

Advantages of the process according to the development of the invention may particularly be seen in that it is now possible to produce laying channels in solid surfaces such as asphalt and concrete, road surfaces, curbstones or stone slabs by means of a laying unit in which the cutting width can be set to the respective diameter of the minicable or microcable used.

In other words, the present invention gives several examples of a solid surface. Moreover, from this recited list the skilled artisan would have understood other solid surface equivalents such as, for example, cement or suitable mixtures thereof are possible with the concepts of the present invention. Additionally, the present invention contemplates a suitable width for the channel based upon the diameter of the cable used, which may vary. Clearly, the references applied in the last Office Action do not teach, disclose, or otherwise suggest each and every feature of independent claim 161 or any other claim.


Additionally, in the last Office Action, claim 164 was rejected under 35 U.S.C. sec. 103(a) applying the '997 and '789 patents in view of U.S. Pat. No. 3,219,368 ('368). For at least the reasons stated above with respect to claim 161, withdrawal of the sec. 103(a) rejection of claim 164 is warranted and is respectfully requested.

Fifty-four dollars is believed due for three dependent claim in excess of twenty in connection with this Reply. If any other fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 50-0425.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


Timothy J. Aberle
Attorney
Reg. No. 36,383
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-5354

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